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Santa Monica city termination of ICE-PD cooperation

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Rick Cole
City Manager

Office of the City Manager
1685 Main Street
PO Box 2200
Santa Monica, CA 90407-2200

March 14, 2017

Joseph Macias
Special Agent in Charge
ICE/Homeland Security Investigations

Sent via email: Joseph.Macias@ice.dhs.gov

RE: Written termination of NCIC CODE #CA0196500

Dear Mr. Macias:

As you know, you entered into a “Memorandum of Understanding” between your agency and Chief Seabrooks of the Santa Monica Police Department (SMPD), signed by her on November 16, 2016 (NCIC CODE #CA0196500). The document concerns long-standing cooperation on matters of “international narcotics interdiction, human smuggling/trafficking, bulk cash smuggling, weapons smuggling, and cross border criminal activity investigated by Homeland Security Investigations.” The agreement deals with “reimbursement of costs incurred by the SMPD in providing resources to joint operations/task forces including reimbursement of costs regarding the assignment of an SMPD officer to such ongoing investigations.” A subsequent addendum to that agreement clarifying that it excluded participation in “any enforcement efforts which are singularly focused on civil immigration enforcement, such as sweeps, raids, or other related tasks” was executed by you and Chief Seabrooks on March 10 of this year.

Neither document was reviewed by me. The Santa Monica Municipal Code requires all contracts to be signed by the City Manager, to be "approved as to form" by the City Attorney and to be "attested" to by the City Clerk. None of this occurred.

As a result, the City is immediately terminating the agreement, effective today.

I do not want to jeopardize any ongoing criminal investigations of the sort described in the November document. I am happy to discuss how to ensure continuity of cooperation on these matters. In the meantime, I do want to stress that the Chief’s concern about any implied or inadvertent involvement in civil immigration enforcement by the SMPD is also shared by our City Council, our community and by me as City Manager. As the City Council has stressed in a Resolution adopted unanimously on February 28, 2017 (Resolution copy attached), “the City’s ability to protect public safety and keep its inhabitants, visitors and tourists safe – regardless of national origin or immigration status – requires that persons not hesitate to call the police department, fire department or other City divisions either as victim or witness to crime or accident” and “the City rejects the use of mass deportation, racial profiling and travel bans as these strategies sow fear and chill cooperation with law enforcement and make crime victims and witnesses hesitant to reach out for help for fear of deportation.”

Joseph Macias
Special Agent in Charge
ICE/Homeland Security Investigations
March 14, 2017

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To this end, we will diligently and conscientiously uphold the Council's policy not to "use City monies, resources, or personnel to investigate, question, detect, apprehend, detain or register persons whose only violation is or may be a violation of the civil provisions of federal immigration law related to documented status."

The City remains committed to protecting the safety and wellbeing of our community from the threats of international narcotics interdiction, human smuggling/trafficking, bulk cash smuggling, weapons smuggling, and cross border criminal activity. I look forward to discussing with you the City's continued cooperation in protecting the safety and well-being of our community from these criminal threats consistent with the principles adopted by our City Council.

Respectfully,



Rick Cole
City Manager

cc: Santa Monica City Council